IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1192 of 2005 (S/S)

Puran Singh
S/o. Sri Kunwar Singh
Presently posted as Routine Grade Clerk
Uttaranchal Pay Jal Sansadhan Vikas Evam
Nirman Nigam, Almora. ..…….Petitioner

Versus

1. Managing Director, Uttaranchal Pay Jal Sansadhan Vikas Evam Nirman Nigam Dehradun.
2. Chief Engineer (Head Quarter) Uttaranchal Pay Jal Sansadhan Vikas Evam Nirman Nigam, Head Quarter 11 Mohini Road, Dehradun.
3. Superintending Engineer (Electrical and Mechanical Circle,) Uttaranchal Pay Jal Sansadhan Vikas Evam Nirman Nigam, 16, Laxmi Road Dehradun.
4. Chief Engineer (Kumaon) Uttaranchal Pay Jal Sansadhan Vikas Evam Nirman Nigam, Nainital. Respondents.

Shri K.N. Joshi, learned counsel for the petitioner.
Shri D.S. Patni, learned counsel for the respondents.

Hon'ble Prafulla C. Pant, J

Learned counsel for the parties are present.

2. Heard.

3. The petitioner, who was a Class IV employee was officiating as Routine Grade Clerk, allegedly since 1994. He has sought regularization in service.

4. In the counter affidavit, filed on behalf of the respondents, it is stated that the petitioner was functioning in the officiating capacity and cannot be regularized on the post of Routine Grade Clerk as 25% quota of Class IV employees is already full.

5. In view of the principle of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Ps. 01,*** wherein it has been held that the workers on daily wages or the persons who get employed without undergoing regular selection process, should not be permitted to be absorbed or regularised against the constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioner, as such, the petition is liable to be dismissed.

6. The writ petition is dismissed with the observation that the petitioner's case for his promotion to the post of Routine Clerk may be considered under the Rules by the concerned authorities as and when vacancy is available. Interim order, if any, stands vacated. (All pending applications also stand disposed of).

Dt. 02.12.2006 **(Prafulla C. Pant, J.)**

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